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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,202	09/01/2000	Thomas Anthony Cofino	YOR920000611US1	6319

7590 08/26/2003
RYAN, MASON & LEWIS, LLP
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FAIRFIELD, CT 06824

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,202

Applicant(s)

COFINO ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The office action of 04-09-03 rejected claims 1 – 4, 8 – 11, 13 – 17 and 19 - 20 and as unpatentable over Papierniak in view of Yaginuma. Remaining claims 5 – 7, 12 and 18 were rejected as unpatentable over Papierniak in view of Yaginuma and Hunt. Moreover, claims 1- 20 were rejected for provisional Double Patenting over copending Application 09/653,888, claims 1 - 21. In addition, the Office Action objected to the specification (reference application number), drawings and claim numbering – which all have been overcome by the applicant's amendment.

Applicant amendment of 7-15-03 amended the specification and claims 1, 3 – 5, 7, 9, 17, 19 and 20 as well as traversed rejections of Claims 1 - 20.

Currently, claims 1- 20 are pending.

Response to Arguments

Applicant's arguments filed 07/15/2000 have been fully considered but they are not persuasive. In the applicant's response:

0 Applicant argues that the provisional Double Patenting rejection is improper because the only independent claim of the copending application 09/653888 is method claim requiring "providing the user with a means to "....view one or more variations of one or more click stream data visualizations upon a user's request; and providing the

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user with a means to store one or more generated click stream data visualizations in one or more computer memories". However and with the amendment of the claims in the copending application 09/653,888 – and especially claim 1, there currently is not sufficient ability to patentably distinguish claim 1 in 09/653888 from claim 19 and related claims 1 and 20 of this copending and currently amended application - 09/654,202. For example, both claims address a method of graphically and/or visually representing shopping steps for analysis purposes, which is stored in a web server log – using or deriving from a micro-conversion(s). Moreover and even though the applications were filed on the same day, a terminal disclaimer is still required in light of the need to maintain common ownership of the patents during their enforceable life as required by CFR 1.321 (c). Therefore, the provisional Double Patenting rejection is maintained with respect to claims 1 - 20 of this application.

0 Applicant argues that the examiner acknowledged that Papierniak does not teach a "shopping step finder process" – nor does Yaginuum. However and as presented, it was clearly positioned in the rejection that the combination of Papierniak and Yaginuma do disclose and teach "a system and method for providing one or more visualizations to one or more users". Moreover, the reference sections as indicated and the reference sections in Papierniak (see at least Abstract) while not specifically citing "shopping steps" – these "shopping steps" are implicit (see at least Abstract and Col 4, lines 45 – 50). As a result, Papierniak does establish the fact that the "shopping steps" are captured and stored in web server logs (i.e. database), which in combination with

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Yaginuma (a method and system to display the data visually/visualization in a “micro-conversion table”) provides the prima facie case of obviousness and therefore does teach a “shopping step finder process that receives one or more tables, and generates one micro-conversion table for each given session table”. Further, it was argued that “Papierniak does not specifically disclose and teach a shopping step finder process and generates a micro-conversion tables comprising one or more shopping steps” However, Papierniak in combination with Yaginuma does provide the method and system to display the data (i.e. from shopping steps) extracted from the database (see at least Figure 1 of Yaginuma) - provided by Papierniak (see at least Figures 1 – 6 of Papierniak) and further generates a “micro-conversion visualization” (see at least Figure 19 of Yaginuma) by extracting and displaying the data.

0 Applicant argues that the Yaginuma teaches regarding only static characteristics associated with an independent variable(s), which in contrast to the present invention, is used to visualize dependent variables (i.e. “steps in a shopping process”). The applicant further cites the newly added portion(s) of claims 1, 19 and 20, which contain the new limitations of “each micro-conversion table comprising one or more shopping steps” and therefore this new limitation and variations further provides patentable distinction to these claims.

With regard to independent vs. dependent (i.e. steps/click through in a shopping process) variables, Yaginuma uses a number of examples – and they are just that - examples of many possible *results* of the *process* for providing visualization(s) of data

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collected and stored (see at least Figure 19). Further, Yaginuma teaches a data display, which presents the data to the user in a common display output/format (i.e. in the identical visible format as the applicant's) and is defined by user requirements for ease of understanding (see at least Figures 4 and 19). For example and as taught by Yaginuma, if different display formats are used - then the same information presented from a data mining process - can and is usually confusing (see at least Col 4, lines 50 - 54). Further, the different fields - a consistent portion of the output display format as taught by Yaginuma (see at least Figure 5) are defined by the user and these fields when displayed (see at least Figure 6) equate to the axis. Moreover, Yaginuma teaches the method of presenting data via a micro-conversion process - as with the applicant's and is the result of a data mining process operating on data extracted from a database (see at least Figure 19), which is provided by Papierniak. Furthermore and addressed in the rejection, the database of "shopping steps" was defined by Papierniak. In this case, Papierniak (and so too with Hunt) stores the data (click stream/click through data) from each users session (shopping steps) [see at least Col 4, lines 44 - 58] for later analysis in a database, which provides the database of data (. i.e. shopping steps) for use by the system and method of Yaginuma. In turn, the method and system of Yaginuma as defined by the user visually presents these selected data points (shopping steps) and can further execute a data mining process to extract the required data and display it (see at least Figures 1 - 5 and 19). Additionally, the axis in the examples are dependent on the previous axis. For example and as described (Figures 1 - 5 and 24), the user establishes the requirements and the axis are dependent on the proceeding axis. (see

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at least Figure 24). For example, if one of this axis – dependent variables is changed – then the results are changed. Moreover, these axis are defined by the user and therefore when extracting this data from the database of Papierniak - would be extracted and /display (by Yaginuma) on the axis, which can only be represented on the axis by the “shopping steps” of a customer. While the applicant equates these axis(s) as static characteristics associated with an independent variable, these as with the shopping steps are by definition static. For example, the shopping steps are captured and stored by the method and system of Papierniak - and thereby become “static” since they are not dynamic after capture and storing (i.e. not changing) and are visually presented for further analysis by the method and system of Yaginuma – as with the applicant’s. Furthermore, the current application stores various “static” points/steps axis and include product impressions, click throughs, basket placement and purchase – as implicitly captured by Papierniak (see at least Col 4, lines 44 – 50). Once stored in the database/web log, they are extracted, displayed and analyzed further by Yaginuma - through a visualization/displaying technique based on a micro-conversion/conversion method and system. In that regard, Yaginuma is a visualization method and apparatus based on extracting data from a data base for analysis and provides visualization through a conversion method and apparatus (see at least Abstract, Col 6, lines 57 – 58 and Figures 3, 4 and Figure 19) and converts the data contained in the database to visual representation based on creating a map/display of the data and coordinates in a coordinate axis (see at least Col 6, lines 39 – 67 and Figures 6, 7 and 19).

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0 Applicant argues with respect to Hunt that the reference addresses the tracking of a session "on the fly" with a method dedicated to one session at a time and does not utilize server logs to generate session tables nor utilize said server logs in a shopping step finder process. As noted above, the applicant's arguments regarding the data content (shopping steps) is given little patentable weight. With regard to utilizing server logs – which is data base as noted above, Hunt does utilize these server logs/databases for session tracking and the data gathered (i.e. stored) can be analyzed off line (see at least Col 1, lines 53 – 60 as well as lines 62 - 64 and Figures 2 – 10) – as with applicant's invention and Yaginuma. Moreover, Hunt can and is used in an online shopping method and system as with the applicant's invention and therefore can be used in multiple sessions of each shopper and these sessions are stored in the database/server logs as required (see at least Col 1, lines 62 – 64 and Figures 2 – 10) and the arguments therefore have not overcome the reference.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b) and CFR 1.321(c).

Claims 1 – 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 20 of copending Application No. 09/653,888. Although the conflicting claims are not identical, they are not patentably distinct from each other because they address online shopping, use of server logs and micro-conversions techniques comprising a parallel coordinate method and one or more extension components.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 8 – 11, 13 – 17 and 19 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak (US 6,175,838 B1) in view of Yaginuma (US 6,477,538 B2).

Regarding Claim 1 and related claims 19 and 20, the combination of Papierniak and Yaginuma teaches a computer system and method for providing one or more

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visualizations to one or more users, the system comprising - where Papierniak provides one or more central processing units (CPUs), one or more memories, and one or more network interfaces to one or more networks (Figure 1); a sessionization process that receives one or more Web server logs from one or more online stores, and generates one session table for each session found from requests recorded in Web server logs (see at least Col 3, lines 1 – 23 and Figure 4). In addition and regarding claim 2, Papierniak teaches a system where the Web server log includes one or more Web page request records (see at least Abstract, Col 3, lines 1 – 3 and Figures 1 and 3) and (3) a system, where the Web page request record comprises a timestamp that is the system-generated time when the request is made, a user identification ID that is a unique number identifying the user who made the request, a session identification that is a unique number identifying the session which made the request, a referrer that is the Web page the session sees immediately before making this request, a current page that is the Web page requested, and a group of hyperlinks that is contained in the current page (see at least Abstract and Col 7, lines 1 – 36) as well as (4) a system, where the session table includes one or more Web page request records with all the session ID values in a session table being the same (see at least Abstract and Col 6, lines 16 – 31).

However, Papierniak does not specifically disclose and teach a shopping step finder process that receives one or more session tables, and generates one micro-conversion table for each given session table; and a visualization process that receives one or

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more micro-conversion tables, each micro-conversion table comprising one or more shopping steps and generates one or more micro-conversion visualizations of one or more micro-conversions shopping steps from one or more micro-conversion steps.

On the other hand, Yaginuma teaches a shopping step finder process that receives one or more session tables, and generates one micro-conversion table for each given session table, each micro-conversion table comprising one or more shopping steps (see at least Abstract, Col 4, lines 45 – 57 and Figures 4 – 6); and a visualization process that receives one or more micro-conversion tables, and generates one or more micro-conversion visualizations of one or more micro-conversions shopping steps from one or more of the micro-conversion tables (see at least Col 5, lines 15 – 19 and Col 6, lines 39 – 67 and Figures 1 – 6). Moreover:

regarding claim 8, Yaginuma teaches a system, where the micro-conversion visualization comprises a traditional parallel coordinate system and one or more extension components (Abstract, Col 2, lines 58 – 60 and Figure 6).

regarding claim 9, Yaginuma teaches a system, where the traditional parallel coordinate system is a parallel coordinate system comprising a series of parallel lines that are placed equidistantly, each parallel line being assigned a specific dependent variable and dependent variable values being plotted along the respective axis, and an independent variable that is represented by polygonal lines connecting the

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corresponding dependent variable values (also referred to as data points) and illustrating a relationship between an independent variable and the dependent variables appearing on each axis (Col 6, lines 40 – 67, Col 11, lines 16 – 21 and Figures 6, 12 and 19).

regarding claim 10, Yaginuma teaches a system, where the extension components include one or more parallel axis of sequential events, one or more dependent variable values of timestamps, one or more dropouts of polygonal lines, one or more filters, one or more categorizers,, and one or more hyperlink association (Col 6, lines 40 –67 and Figures 5, 6, 12, 30 and 34).

regarding claim 11, Yaginuma teaches a system, where the parallel axis of sequential events is an assignment of a series of sequential events to parallel lines in a parallel coordinate system (Figures 10 – 25).

regarding claim 13, Yaginuma teaches a system, where the dependent variable values of timestamps is an assignment of timestamp values as data points to a series of sequential events that are assigned to the equal number of parallel axis in a parallel coordinate system (Col 12, lines 23 – 30 and Figures 14 and 21).

regarding claim 14, Yaginuma teaches a system, where the dropout of a polygonal line is disappearance of a polygonal line before the line reaches the last parallel axis in a

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parallel coordinate system with the parallel axis of sequential events (see at least Figures 32 and 35).

regarding claim 15, where the filter is a means to select and/or de-select one or more groups of polygonal lines viewed in a parallel coordinate system (Col 4, lines 50 – 54 and Figures 37 and 38).

regarding claim 16, Yaginuma teaches a system, where the categorizer is a parallel axis in a parallel coordinate system whose purpose is to categorize polygonal lines in the system (Col 6, lines 58 – 67, Col 7, lines 1 – 19 and Figures 6 and 20 – 24).

regarding claim 18, Yaginuma teaches a system, where the hyperlink association is the association of one or more hyperlinks with the polygonal line representing a session, clicking on the polygonal line opens a Web page delivering detail information of the session (Col 7, lines 26 – 29 and Figures 8 - 10 and 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Papierniak with the method and system of Yaginuma to enable for providing one or more visualizations to one or more users, the system comprising - one or more central processing units (CPUs), one or more memories, and one or more network interfaces to one or more networks; a sessionization process that receives one or more Web server logs from one or more

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online stores; and generates one session table for each session found from requests recorded in Web server logs and a shopping step finder process that receives one or more session tables, each micro-conversion table comprising one or more shopping steps, and generates one or more micro-conversion visualizations of one or more micro-conversions of shopping steps from one or more of the micro-conversion tables. In that regard, the method and system will enable the site owner to more fully understand through graphical representation the shopping process/steps for each customer. Moreover, this knowledge is most helpful in understanding the areas in a web site, which are a potential problem for a customer, correct and thereby enhance customer satisfaction. Thereby increasing customer satisfaction, which will increase the probability that the customer will return for additional shopping and recommend the site to others.

Claims 5 – 7, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak (US 6,175,838 B1) and Yaginuma (US 6,477,538 B2), and as applied to claims 1, 11 and 17 respectively, and further in view of Hunt (US 6,223,215 B1).

The combination of Papierniak and Yaginuma substantially discloses and teaches the applicant's invention.

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Of note, Papierniak does disclose and teach a web site stores Internet data indicating file access status for the files that have been accessed in response to requests from a web browser – as with capturing and storing a shoppers progress through a web site. However, the combination of Papierniak and Yaginuma does not specifically disclose and teach where the micro-conversion table comprises shopping steps in an online store and product entries for each shopping step and include a product impression that is the view of hyperlink to a Web page presenting a product and/or a service, a click through that is the click on the hyperlink and view of the Web page of the product and/or service, a basket placement that is the placement of the item in the shopping basket, and a purchase that is the purchase of the item and the completion of the transaction as well as where the product or service entry comprises a product or service ID that is a unique number identifying the product or service, and a timestamp when the corresponding shopping activity happens. Nor does the combination specifically disclose and teach, where the sequential events include one or more steps of shopping in one or more stores, and one or more product or service development steps as well as where the categorizer includes one or more of the following: the referrer Web sites of sessions, the ISPs (Internet Service Providers) of sessions, the lengths of sessions, the methods used to find product or service information by sessions, the geographic regions where sessions come from, the ages, sex, education levels, and income levels of the owners of sessions, the sales history of the owners of sessions, the Web page patterns accessed by sessions or by the owners of sessions, either or not ordered by session, or by time.

On the other hand and regarding claim 5, Hunt teaches a system, where each micro-conversion table further comprises shopping steps in an online store and product entries for each shopping step (Col 2, lines 18 – 40).

Regarding claim 6, Hunt teaches a system, where the shopping steps include a product impression that is the view of hyperlink to a Web page presenting a product and/or a service, a click through that is the click on the hyperlink and view of the Web page of the product and/or service, a basket placement that is the placement of the item in the shopping basket, and a purchase that is the purchase of the item and the completion of the transaction (Col 2, lines 7 – 31)

Regarding claim 7, Hunt teaches a system, where the product or service entry comprises a product or service ID that is a unique number identifying the product or service, and a timestamp when the corresponding shopping activity happens (Col 5, lines 46 – 64 and Figure 3).

Regarding claim 12, Hunt teaches a system, where the sequential events include one or more steps of shopping in one or more stores, and one or more product or service development steps (Col 2, lines 18 – 20).

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Regarding claim 18, Hunt teaches a system, where the categorizer includes one or more of the following: the referrer Web sites of sessions, the ISPs (Internet Service Providers) of sessions, the lengths of sessions, the methods used to find product or service information by sessions, the geographic regions where sessions come from, the ages, sex, education levels, and income levels of the owners of sessions, the sales history of the owners of sessions, the Web page patterns accessed by sessions or by the owners of sessions, either or not ordered by session, or by time (Col 2, lines 7 - 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Papierniak and Yaginuma with the system of Hunt to enable the micro-conversion table comprises shopping steps in an online store and product entries for each shopping step and include a product impression that is the view of hyperlink to a Web page presenting a product and/or a service, a click through that is the click on the hyperlink and view of the Web page of the product and/or service, a basket placement that is the placement of the item in the shopping basket, and a purchase that is the purchase of the item and the completion of the transaction as well as where the product or service entry comprises a product or service ID that is a unique number identifying the product or service, and a timestamp when the corresponding shopping activity happens as well referral sites - in order to more fully understand both the origin of the shopper/visitor and to ensure that the on-line and off-line business processes fully support each shopper/visitors requirements. In this regard, the ease of purchasing is significantly increased providing the purchaser with a personal and

pleasant experience thereby increasing their level of satisfaction with the site as well improving the probability that they will return again. Moreover, it would have provided a better understanding and targeting of advertisement campaigns.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers

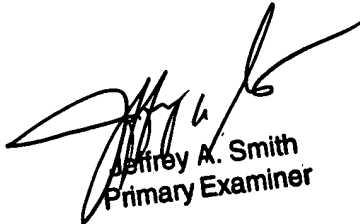
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for the organization where this application or proceeding is assigned are 703.305.7658

for regular communications and 703.308.3687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER
August 20, 2003



Jeffrey A. Smith
Primary Examiner